

Notice of Allowability

Application No.

09/526,628

Applicant(s)

FRIES ET AL.

Examiner

Art Unit

KIEU-OANH BUI

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 10/31/2006.
2. ☒ The allowed claim(s) is/are 23-28, 40-45, 51 and 53-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 09/26/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


KIEU-OANH BUI
PRIMARY EXAMINER

DETAILED ACTION

Remark

1. Claims 1-22, 29-39, 46-50, 52, 68, 75-83 have been previously canceled; and claims 23-28, 40-45, 51, 53-67, 69-74 and 84-86 are pending for reconsideration.

Allowable Subject Matter

2. Claims 23-28, 40-45, 51, 53-67, 69-74 and 84-86 have been allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Regarding claim 23, the closest prior arts of record to Ko, Eyer, Wugofski and DeFreese either alone or combine fails to teach or suggest a method for tuning to a channel of any of multiple broadcast types, wherein additional tuning information is also extracted from one or more digital data streams that necessary for subsequent tuning to one or more corresponding digital channels. The additional tuning information is stored and subsequently used to tune to the digital channels in such a way that it does not have to be re-extracted; and whenever the additional tuning information is incorrect or outdated, an attempt by the tuning system to tune to a particular channel which is selected by the user is unsuccessful (because it's outdated), the service record is updated with updated tuning information that is thereafter used successfully to tune to the particular channel selected by the user. Ko fails to teach updating the record with updated information; and Eyer also fails to teach the feature of updating the service record with updated information used to successfully tune to the particular user-selected channel. Eyer

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simply teaches the information is updated by successfully tuning to every channel such that the TSID data can be extracted from the various channels.

As for claim 59, Ko and Wugofski and Eyer fails to teach each and every feature therein, wherein the present invention provides steps of storing a plurality of service records which each contain tuning information for tuning to a particular cahnnel of various available channels; and the service records are grouped into service spaces that are displayed to the user, which, in part, based on the content of the broadcast rather than the type of the broadcast used to deliver the data, and at least one service space corresponds to a plurality of different service records, and when one service space is selected, the corresponding service record information is displayed and as one of the service record is selected, the channel corresponding to the selected service record is tuned using the tuning information provided in the service record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al., Yee et al., and Schein et al. (PTO-892 attached) disclose systems related to broadcasting and tuning information with different approaches.

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5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

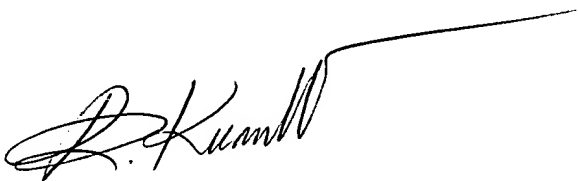
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Krista) Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending from the end of the signature.

Kieu-Oanh Bui
Primary Examiner
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KB

January 11, 2007